

1 Martha G. Bronitsky
Chapter 13 Standing Trustee
2 Po Box 5004
3 Hayward,CA 94540
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5 UNITED STATES BANKRUPTCY COURT
6 NORTHERN DISTRICT OF CALIFORNIA
7 OAKLAND DIVISION

8 In re

Linda Kay Aragon

Chapter 13 Case No. 16-42372-RLE13

9
10 debtor(s)

11 **Trustee's Motion and Declaration to**
12 **Dismiss or Convert Proceedings for Case Deficiencies and Notice Thereon**

13 TO DEBTOR(S) AND DEBTOR(S)' ATTORNEY OF RECORD:

14 Martha G. Bronitsky, Chapter 13 Standing Trustee, hereby moves the court for an Order Dismissing
15 or converting this case for cause pursuant to 11 U.S.C. §1307(c) based on unreasonable delay that it is
16 prejudicial to creditors: Debtor filed this case in August 23, 2016. Debtor's Plan includes a loan
17 modification provision in Section 2.08. Confirmation Hearing was held in October 2016 and the matter
18 was taken off calendar for debtor to complete the loan modification application process. As of now more
19 than 150 days have passed since the bankruptcy petition was filed and Debtor does not appear to have
20 reached a final agreement with her lender.

21 The delay is unreasonable because the Debtor(s) is aware or should have been aware of these
22 requirements and the Trustee has previously requested these requirements be fulfilled.

23 Furthermore, the delay is prejudicial to creditors because disbursements cannot be made and
24 there is an automatic stay preventing collection efforts that would otherwise be available.
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1 NOTICE IS HEREBY GIVEN that debtor or the attorney of record may request a hearing in
2 writing stating specific grounds for objecting to the dismissal or conversion of these proceedings to the
3 court and served on the trustee no later than twenty-one (21) days from the date of service of this motion.
4 Trustee will then schedule a hearing date and notice debtor and the attorney of record of said hearing
5 date.

6 I declare under penalty of perjury that the foregoing is true and correct.

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8 Date: January 24, 2017

/s/ Martha G. Bronitsky

Signature of Martha G. Bronitsky
Chapter 13 Standing Trustee

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have served a copy of the within and foregoing document on the debtor (s), counsel for debtor (s), and if applicable, the creditor, creditor representatives and the registered agent for the creditor by depositing it in the United States mail with first class postage attached thereto.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Linda Kay Aragon
3676 Norris Canyon Rd
San Ramon, CA 94583

Robert Borris Jr Esq
1380 A Street
Hayward, CA 94541-2927

(Debtor(s))

(Counsel for Debtor)

Date: 1/24/2017

/s/ Lydia Santiago

Lydia Santiago